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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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**REDACTED FOR
PUBLIC DISCLOSURE**

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Donald Jay Valich,
Defendant.

**CR-16-08035-PCT-DJH (ESW)
INDICTMENT**

VIO: 18 U.S.C. §§ 111(a)(1) and (b)
(Assault on Military Employees)
Count 1

26 U.S.C. §§ 5841, 5861(d) and
5871
(Possession of Unregistered
Firearm)
Count 2

18 U.S.C. § 39A
(Aiming a Laser Pointer at an
Aircraft)
Count 3

18 U.S.C. §§ 924(d) and 981,
21 U.S.C. § 853 and
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

On or about July 20, 2015, in the District of Arizona, the defendant, DONALD JAY VALICH, did intentionally, knowingly, and recklessly forcibly assault, resist, oppose, impede, intimidate and interfere with J.B., R.S., M.M., R.M., A.F., C.F., and J.H., persons designated under Title 18, United States Code, Section 1114 (an employee of the United States Government as a member of the uniformed services) at the time, while the persons were engaged in or on account of performance of official duties, and in doing so defendant used a deadly or dangerous weapon, that is, an incendiary device.

1 In violation of Title 18, United States Code, Sections 111(a)(1) and (b).

2 **COUNT 2**

3 On or about July 20, 2015, in the District of Arizona, the defendant, DONALD
4 JAY VALICH, knowingly possessed a firearm, that is, an assault rifle firearm consisting
5 of a Plum Crazy brand lower, Serial Number RM11085, and Hardened Arms 300
6 Blackout upper, no serial number, measuring approximately 9 ¾ inches, found together,
7 and not registered to him in the National Firearms Registration and Transfer Record.

8 In violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.

9 **COUNT 3**

10 On or about February 11, 2016, in the District of Arizona, the defendant,
11 DONALD JAY VALICH, knowingly aimed the beam of a laser pointer at a Bell
12 Helicopter 407 (a.k.a. Guardian Air medical helicopter), an aircraft in the special aircraft
13 jurisdiction of the United States, while in flight.

14 In violation of Title 18, United States Code, Section 39A.

15 **FORFEITURE ALLEGATION**

16 The Grand Jury re-alleges and incorporates the allegations of Counts 1 and 2 of
17 this Indictment, which are incorporated by reference as though fully set forth herein.

18 Pursuant to Title 18 United States Code, Sections 924(d) and 981, Title 21, United
19 States Code, Section 853, and Title 28, United States Code, Section 2461(c), and upon
20 conviction of one or more of the offenses alleged in Counts 1 and 2 of this Indictment,
21 the defendant shall forfeit to the United States of America all right, title, and interest in
22 (a) any property constituting, or derived from, any proceeds the persons obtained, directly
23 or indirectly, as the result of the offense, and (b) any of the defendants' property used, or
24 intended to be used, in any manner or part, to commit, or to facilitate the commission of,
25 such offense as to which property the defendants are jointly and severally liable,
26 including, but not limited to the following involved and used in the offense:

- 27
- Plum Crazy assault rifle lower, Serial Number RM11085
 - Hardened Arms 300 Blackout upper, no serial number
- 28

- Any and all fireworks including bottle rockets
- Any and all flare guns and flares
- Laser pointer
- Spotlight.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence,
- (2) has been transferred or sold to, or deposited with, a third party,
- (3) has been placed beyond the jurisdiction of the court,
- (4) has been substantially diminished in value, or
- (5) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of said defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. Section 853(p).

All in accordance with Title 18, United States Code, Sections 924(d) and 981, Title 21 United States Code, Section 853, Title 28, United States Code, Section 2461(c) and Rule 32.2, Federal Rules of Criminal Procedure.

A TRUE BILL

s/
FOREPERSON OF THE GRAND JURY
Date: March 1, 2016

JOHN S. LEONARDO
United States Attorney
District of Arizona

s/
GAYLE L. HELART
Assistant U.S. Attorney